

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SIERRA CLUB, INC., <i>et. al.</i> ,	)	<b>Case No. Civ. 5:12-cv-00742-R</b>
	)	
Plaintiffs,	)	
	)	
v.	)	<b>JOINT STATUS REPORT</b>
	)	
LIEUTENANT GENERAL THOMAS P.	)	
BOSTICK (in his official capacity as	)	
Commanding General and Chief of Engineers of	)	
the U.S. Army Corps of Engineers), <i>et. al.</i> ,	)	
	)	
Defendants,	)	
	)	
TRANSCANADA KEYSTONE PIPELINE, LP,	)	
<i>et. al.</i> ,	)	
	)	
INTERSTATE NATURAL GAS	)	
ASSOCIATION OF AMERICA, <i>et. al.</i> ,	)	
	)	
Intervenors.	)	
	)	

---

**JOINT STATUS REPORT**

In its Order of March 6, 2014, this Court requested that the parties file a joint report indicating whether any issues remain for resolution or whether final judgment should enter. This case was briefed in accordance with *Olenhouse v. Commodity Credit Corp.*, 42 F. 3d 1560, 1580 (10th Cir. 1994), not on motions for summary judgment. Accordingly, Plaintiffs styled their opening brief as an “opening brief on the merits,” and included in footnote 1 to their opening brief a citation to *Olenhouse* and an explanation that they were filing an “Opening Brief on the Merits rather than a motion under Fed. R.

Civ. P. 56.” (Dkt. no. 106). The Defendants, likewise, styled their briefs as responses in opposition. In accordance with *Olenhouse* and the procedural posture of this case, there was no further action for this Court to take after this Court ruled against Plaintiffs on the merits in its Order of December 30, 2013, other than entry of judgment in accordance with Federal Rule of Civil Procedure 58(b)(1)(C), which has not yet occurred. The parties agree that no issues are outstanding, so the court should enter judgment accordingly. However, Plaintiffs do not consent to judgment being entered against them, as that could preclude Plaintiffs from filing an appeal, and nothing in this statement should be construed as Plaintiffs waiving their right to appeal this matter.

DATED: March 17, 2014

Respectfully submitted,

/s/ Douglas Hayes

DOUGLAS HAYES, Colo. Bar No. 39216

ERIC E. HUBER, Colo. Bar No. 40664

SIERRA CLUB

1650 38<sup>th</sup> Street, Suite 102W

Boulder, Colorado 80301

Telephone: (303) 449-5595

Facsimile: (303) 449-6520

DEVORAH ANCEL, Cal. Bar No. 261038

SIERRA CLUB

85 Second Street, 2nd Floor

San Francisco, CA 94105

Telephone: (415) 977-5709

Facsimile: (415) 977-5793

G. STEVEN STIDHAM, OBA No. 8633

Sneed Lang Herrold

1700 Williams Center Tower I

One West Third Street

Tulsa, OK 74103-3522

Telephone: (918) 588-1313

Facsimile: (918) 588-1314

*Attorneys for Plaintiffs*

IGNACIA S. MORENO

Assistant Attorney General

Environment & Natural Resources

Division

/s/ Maureen E. Rudolph

MAUREEN E. RUDOLPH,

DC Bar # 976416

MICHELE WALTER,

DC Bar # 487329

TYLER BAIR, Idaho Bar # 7973

U.S. Department of Justice

Environment and Natural Resources

Division

Natural Resources Section

P.O. Box 7611

Washington, DC 20044

Telephone: (202) 305-0479

Telephone: (202) 307-3316

Telephone: (202)-514-2795

*Attorneys for Federal Defendants*

/s/ Patrick M. Ryan

Patrick M. Ryan, OBA#7864  
Phillip G. Whaley, OBA#13371  
Ryan Whaley Coldiron Shandy  
900 Robinson Renaissance  
119 North Robinson  
Oklahoma City, OK 73102  
(405) 239-6040 (telephone)  
(405) 239-6766 (facsimile)  
Email: pryan@ryanwhaley.com  
pwhaley@ryanwhaley.com

Of Counsel\*:

/s/ Peter R. Steenland, Jr.

Peter R. Steenland, Jr.  
Lisa E. Jones  
Lauren C. Freeman  
SIDLEY AUSTIN LLP  
1501 K Street, N.W.  
Washington, DC 20005  
(202) 736-8000 (telephone)  
(202) 736-8711 (facsimile)  
Email: psteenland@sidley.com  
lisa.jones@sidley.com  
lfreeman@sidley.com

\* *Admitted Pro Hac Vice*

*Attorneys for TransCanada Keystone Pipeline, LP and TransCanada Corporation*

/s/ Andrew J. Turner

Deidre G. Duncan (D.C. Bar No. 461548)  
Andrew J. Turner (D.C. Bar No. 471179)  
Karma B. Brown (D.C. Bar No. 479774)  
HUNTON & WILLIAMS LLP  
2200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037  
dduncan@hunton.com  
aturner@hunton.com  
kbbrown@hunton.com  
(202) 955-1500 - Telephone  
(202) 778-2201 - Facsimile  
*Admitted Pro Hac Vice*

Linda C. Martin, OBA No. 5732  
Williams Tower II  
Two West Second Street, Suite 700  
Tulsa, Oklahoma 74103-3117  
lmartin@dsda.com  
(918) 582-1211 - Telephone  
(918) 591-5360 - Facsimile

*Attorneys for Interstate Natural Gas Association of America, American Gas Association, Association of Oil Pipe Lines, American Petroleum Institute, and Utility Water Act Group (Utility Intervenors)*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17th day of March, 2014, I electronically filed the foregoing by using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

Respectfully submitted,

/s/ Douglas Hayes

DOUGLAS HAYES

Colo. Bar No. 39216, *Pro Hac Vice*

Sierra Club

1650 38<sup>th</sup> Street, Suite 102W

Boulder, Colorado 80301

Telephone: (303) 449-5595

Facsimile: (303) 449-6520